

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY JG D.C.
05 SEP 27 AM 11:29

**ROSIE M. WRIGHT, LAVERN
WRIGHT, and MARY D. WRIGHT,**

Plaintiffs,

v.

NO. 05-2608 MI/An

**JAMES W. COOK, ERICH M.
SCHULTZ, ELIZABETH BAILEY,
and UNITED STATES OF AMERICA,**

Defendants.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

ORDER DENYING MOTION FOR A MORE DEFINITE STATEMENT

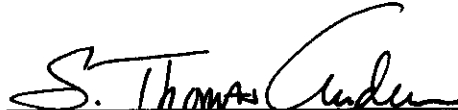
Before the Court is Defendant Erich M. Schultz's Motion for a More Definite Statement filed on September 21, 2005. The Local Rules for the Western District of Tennessee require that all motions filed in the Court shall be "accompanied by a supporting memorandum of facts and law." Local Rule 7.2(a)(1) for the Western District of Tennessee. Defendant failed to file a supporting memorandum of facts and law with its Motion. Defendant also failed to file a Certificate of Consultation as required by Local Rule 7.2(a)(1)(B) of the Local Rules of the United States District Court for the Western District of Tennessee. Local Rule 7.2(a)(1)(B) provides:

Consultation by Counsel. All motions, including discovery motions, but not including motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a certificate of counsel (with one copy) affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion. Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion.

The certificate must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in the conduct of a conference, counsel must file certificate to that effect, setting out counsel's efforts to comply with this rule.

Because Defendant did not file a memorandum or a Certificate of Consultation, the Motion is **DENIED** without prejudice. Defendant is entitled to re-file its Motion, so long as the Motion complies with the Local Rules for the Western District of Tennessee.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: September 26, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 2:05-CV-02608 was distributed by fax, mail, or direct printing on September 27, 2005 to the parties listed.

Erich M. Shultz
LAW OFFICES OF ERICH M. SHULTZ
242 Poplar Ave.
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT